Changes to the Drawings

A proposed substitute drawing of FIG. 1 is submitted herewith including the thermal head and accompanying reference numeral 10. It is respectfully submitted that the addition of the foregoing thermal head to FIG. 1 is fully supported by the original specification including at least in FIG. 3A (a plan view of FIG. 1) and accompanying description at paragraph [0023] ("As shown in FIG. 3A, the thermal head 10 of the present embodiment is constructed by aligning a plurality of heat generation elements 11 . . . 11 each of which is a minute area unit as a heat source. The thermal transfer sheet 1 is heated in the heating direction A sequentially, by moving the thermal head 10 in the heating direction A, while the thermal head 10 contacting with a side of the basic material film 2 in the thermal transfer sheet 1.")

Accordingly, it is respectfully submitted that no new matter has been added.

REMARKS

The applicants have carefully considered the Office action dated February 17, 2011. By way of the forgoing amendments, claim 1 has been amended, and FIG. 1 has been corrected. No new subject matter has been added. Thus, claims 1-5 are pending and at issue. Of the claims at issue, claim1 is independent.

In view of the foregoing amendments and the following remarks, reconsideration of the application is respectfully requested.

Interview

The applicants wish to thank the examiner for the courtesy of conducting an interview with the undersigned. As per the interview, the examiner agreed that the amendments appear to overcome the previous objections without introducing new matter. The examiner also indicated that the amendments would require further search and consideration. Accordingly, a Request for Continued Examination is filed herewith.

Drawings

The drawings have been amended to include the thermal head and accompanying reference numeral 10. It is respectfully submitted that the addition of the foregoing thermal head to FIG. 1 is fully supported by the original specification including at least in FIG. 3A (a plan view of FIG. 1) and accompanying description at paragraph [0023] ("As shown in FIG. 3A, the thermal head 10 of the present embodiment is constructed by aligning a plurality of heat generation elements 11 . . . 11 each of which is a minute area unit as a heat source. The thermal transfer sheet 1 is heated in the heating direction A sequentially, by moving the thermal head 10 in the heating direction A, while the thermal head 10 contacting with a side of the basic material film 2 in the thermal transfer sheet 1.")

Accordingly, it is respectfully submitted that no new matter has been added. The foregoing modification should eliminate any objection to the drawings.

Claim Objection

Claim 1 has been amended to clarify that the transfer layer is transferred by moving a heat source of a unit area in a predetermined direction, the heat source applying heat to a side of the base material. The foregoing amendment should eliminate any objection to the claims.

The Rejections under 35 U.S.C. § 103

Claims 1-2 were rejected as being unpatentable over Tahara (US 5,744,219) in view Souparis (US 5,928,456). Claims 1-2 and 4-5 are rejected as being unpatentable over Tawara (JP 08-257437) in view of Souparis. Claim 3 is rejected as being unpatentable over Tahara in view of Souparis in further view of Hattori (US 2002/0167513). It is respectfully submitted that all claims are allowable over these patents for at least the reasons set forth below.

Independent claim 1 is generally directed to a transferring method including the transferring to the transfer object, the transfer layer in which the hologram or the diffraction grating is formed by moving a heat source of a unit area in a predetermined direction. The predetermined direction in which the heat source of a unit area is moved is set to the direction in which the visual effect of the hologram or the diffraction grating is obtained.

According to this feature, it is possible to prevent damage such that a concave-convex surface is generated in the transferred hologram or diffraction grating (hereinafter collectively referred to as "the hologram"), and it is possible to obtain a desired visual effect from the hologram transferred. In particular, the hologram can be transferred with almost no damage of a visual effect.

Tahara, in contrast, describes a relationship between the direction of pattern in the slipping layer 36 and the moving direction of the thermal head. However, the pattern is provided for reducing the area of contact of the substrate film 31 with the thermal head so as to decrease frictional force (*Tahara*, col. 14, ll. 47-56). Moreover, the pattern is not transferred. Therefore, it is apparent that the moving direction of the thermal head does not have any relation with the visual effect of the pattern. Rather, the pattern in the reflecting layer 34 is transferred, but Tahara is silent as to the relation between then visual effect of the pattern and the moving direction of the thermal head.

Souparis, meanwhile, describes that the heat rollers 31, 32 as heat sources are contacted to the multi-layer assembly 8 including the reflective layer 5. The multi-layer assembly 8 is pressed and heated by the heat rollers (*Souparis*, col. 4, ll. 54-57), and according to FIG 3, the reflective layer 5 is heated by the heat rollers in a predetermined direction. However, Souparis does not describe the direction in which the reflective layer 5 is heated nor does Souparis describe the direction in which the visual effect of the pattern in the reflective layer 5 is obtained. Therefore, it is impossible that the predetermined direction is specified as the direction in which the visual effect of the pattern is obtained.

Accordingly, it not possible that the direction in which the reflective layer 5 is heated in FIG. 3 is coincident with the direction in which the visual effect of the pattern of the reflective layer 5 is obtained.

Moreover, as shown in FIG. 2 of the present disclosure, the direction in which the visual effect of the pattern is obtained is a horizontal direction. However, this direction is just one example. As the direction in which the visual effect is obtained is determined at the moment

when the pattern is formed, any direction can be the direction in which the visual effect is obtained. Therefore, the visual effect is not limited to the horizontal direction.

It is well established, that the prior art must teach or suggest each of the claim elements ... to establish a *prima facie* case of obviousness. See *In re Oetiker*, 24 USPQ. 2d 1443, 1446 (Fed. Cir. 1992); *Ex parte Clapp*, 227 USPQ. 972, 973 (Bd. Pat. App. 1985); *In re Royka*, 490 F.2d 981 (CCPA 1974) and M.P.E.P. § 2143. As detailed herein, even if Tahara and Souparis are combined, the relationship between the direction in which the visual effect of the pattern is obtained and the direction in which the heat is applied to the pattern is never derived from the combination. Accordingly, it follows that neither Tahara nor Souparis, either alone or in combination can render obvious claim 1 or any claims dependent thereon.

Conclusion

Reconsideration of the application and allowance thereof are respectfully requested. If there is any matter that the examiner would like to discuss, the examiner is invited to contact the undersigned representative at the telephone number set forth below.

The Commissioner is hereby authorized to charge any deficiency in the amount enclosed or any additional fees which may be required during the pendency of this application to Deposit Account No. 12-0400.

Respectfully submitted,

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